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ANNUAL REPORT

SUDAN ELECTION ADMINISTRATION SUPPORT PROGRAM
FEBRUARY 9, 2009 THROUGH SEPTEMBER 30, 2009

OCTOBER 30, 2009

This publication was produced for review by the United States Agency for International Development. It was prepared by the International Foundation for Electoral Systems.

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Contracted under DFD-I-00-05-00225-00, Task Order #07

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October 30, 2009
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ACRONYMS AND ABBREVIATIONS

BRIDGE – Building Resources in Democracy, Governance, and Elections
EC – European Commission
ECOWAS – Economic Community of West African States
EMB – election management body
GoNU – Government of National Unity
GoSS – Government of Southern Sudan
HAC – Humanitarian Aid Commission
IFES – International Foundation for Electoral Systems
IP – Implementation Protocol
IRI – International Republican Institute
MFA – Ministry of Finance (GoNU)
MIC – Ministry of International Cooperation (GoNU)
MoFA – Ministry of Foreign Affairs (GoNU)
NEA – National Elections Act
NEC – National Election Commission
NDI – National Democratic Institute for International Affairs
NGO – non-governmental organization
PMP – Performance Monitoring Plan
PPAC – Political Party Affairs Commission
SEASP – Sudan Election Administration Support Program
SEHC – State Election High Committee
SSHC – Southern Sudan High Committee
SUNDE – Sudanese Network for Democratic Elections
UNDP – United Nations Development Program
UNMIS – United Nations Mission in Sudan
UNMIS EAD – United Nations Mission in Sudan Electoral Assistance Division
UNPOL – United Nations Police
USAID – United States Agency for International Development

I. EXECUTIVE SUMMARY: SUDAN ELECTION ADMINISTRATION SUPPORT PROGRAM

The IFES SEASP began in February 2009 with a six-member start-up team arriving in both Khartoum and Juba to establish IFES' on-the-ground presence in Sudan. IFES was quickly registered as a tax-exempt organization in Southern Sudan; however, the ICC indictment of President Omar al-Bashir and retaliatory expulsion of thirteen international NGOs raised the issue of how best to structure IFES in Khartoum. Through the assistance of USAID, IFES signed an Implementation Protocol (IP) with the Government of National Unity (GoNU) on April 19th. This enabled IFES to rent office space, secure long-term housing for international staff, and begin establishing their main operations in Khartoum.

Following the signing of the IP, IFES began developing a relationship with the National Election Commission (NEC). While this relationship has proven challenging and – at times – limited, IFES has influenced several key aspects of the electoral process during this fiscal year. The NEC initially showed a great deal of resistance to international advisors, not only from IFES, but the United Nations Mission in Sudan (UNMIS) and United Nations Development Program (UNDP) as well. In spite of the limited and poor history of elections in Sudan, the NEC strongly felt that their shared past experiences with elections would be enough to carry out national elections in the largest nation in Africa, with minimal infrastructure, and several pockets of on-going conflict. Over time, international advisors have reached some breakthroughs, though significant areas of resistance still remain.

IFES' core achievements have been providing the NEC with extensive documentation and alternative plans, in an attempt to ensure that adequate manpower is devoted to the voter-registration exercise. NEC's initial plan to register the entire country with only 1,498 voter-registration teams fell short of acceptable standards and best practices. IFES' alternative voter-registration plan suggested a minimum of 3,607, while urging the NEC to agree to a total of 10,000 teams which IFES' experience demonstrated as the appropriate number. While voter registration plans had yet to be finalized as of the close of this fiscal year, the latest signs were that the NEC would agree to the minimum required 3,607 voter-registration teams.

NOTE – Following the conclusion of this fiscal year, the NEC reverted to their initial plan of only 1,498 voter-registration teams conducting nationwide registration. Upon learning of this change, IFES immediately wrote the NEC to raise concerns and objections.

IFES experts also contributed greatly to the development of an appropriate NEC budget. Weeks of meetings culminated in a budget acceptable to both the NEC and the donor community. This agreement was critical, as some donors had begun to express reservations about funding the elections, as was evidenced by concerns from UNDP about minimal contributions to the donor basket fund. As the United States is the single largest donor nation to the election process in Sudan, IFES believes that its work bringing other donors to the table and keeping them well-informed on the workings of the NEC has paid dividends for USAID priorities in Sudan.

A lack of clarity on the role and responsibility of the South Sudan High Committee (SSHC) has been the biggest challenge for IFES' operations in Southern Sudan. At the suggestion of

IFES, the SSHC has been holding weekly coordination meetings with IFES and other international assistance providers. These meetings have focused heavily on the lack of communication and coordination between the NEC, SSHC, and Southern State Election High Committees (SEHCs). In attempts to better this situation, IFES has worked with the SSHC to create a clear set of roles and responsibilities for each of the SSHC members and has worked closely with UNMIS and UNDP to facilitate more regular communication between the different EMB layers.

In addition to extensive consultative sessions, IFES delivered two trainings during this fiscal year. Both trainings took place in Khartoum and one included participants from all of the Sudanese states. These trainings enabled IFES to exceed its target for the number of election officials trained in this fiscal year.

Qualitative Impact

IFES largest deliverable of the fiscal year was the Gap Analysis of the NEA. The first draft of the Gap Analysis was submitted to USAID, per contract deadline, on March 21st. A final draft was submitted on April 6th, following a request from USAID to change some of the language in the initial draft. The Gap Analysis was delivered to the NEC on May 7th and to the SSHC on June 26th, following USAID approval. The Gap Analysis revealed forty-seven “gaps” in the NEA, which IFES has continued to work with the NEC to fill.

On June 16 – 18, IFES – in conjunction with other international actors – conducted an orientation training for the NEC, SSHC, and all of the SEHCs in Khartoum. This event was the first – and, to this point, only – time that all three levels of EMBs came together as one group. The conference focused on explaining the National Elections Act (NEA) and general principles of elections to the EMB officials. NEC officials, including the Chairman, were active participants in all three days of the training.

On August 24th, IFES held its second training session for the NEC in conjunction with UNMIS and UNDP. This training was geared towards explaining a proper voter-registration process to NEC officials and experts. At the outset of this training, the NEC was adamant that their plan to conduct voter registration with only 1,498 teams nationwide was feasible. At the conclusion of the training, the NEC requested that IFES draft an alternative voter registration plan, which would fall in line with international standards, the large number of voters to be registered, and the general lack of infrastructure in Sudan. IFES began attempting to hold this training with the NEC in late July.

Quantitative Impact

For FY09, IFES was evaluated on only two indicators: number of electoral processes improved and number of election officials trained. IFES was able to improve three of the eight electoral processes listed in its Performance Monitoring Plan (PMP). Four of the unaffected processes have yet to be addressed by the NEC, due to the extension of the electoral calendar, and one of the processes – constituency delineation – was not impacted by IFES’ work in spite of major efforts on the part of IFES. Electoral management, voter registration, and voter information have all been improved through IFES’ work in Sudan. Additionally, IFES’ target of training 156 election officials was exceeded.

Project Administration

Through the IP, an Oversight Committee was established in order to coordinate IFES' activities and operations in Sudan. The Oversight Committee is comprised of the Ministry of International Cooperation (MIC), Ministry of Foreign Affairs (MoFA), Ministry of Finance (MFA), the NEC, and USAID. According to the IP, the Oversight Committee should meet quarterly to "(1) approve annual work plans and associated budgets; (2) review implementation progress against work plans; and (3) approve any major changes to work plans and associated budgets."

While the Oversight Committee has met only once since the IP was signed, this meeting did prove to be very successful. On August 20th, the Oversight Committee met in Khartoum to review IFES' proposed work plan. At the time of the meeting, the work plan had been agreed upon by USAID and IFES and securing approval from the Sudanese officials involved was critical to moving forward with IFES SEASP. The Sudanese officials unanimously approved the work plan and thanked IFES and USAID for their assistance and patience to date. While this approval did not guarantee the NEC would accept all or any of the proposed activities detailed in the work plan, it did open the door for IFES to propose assistance in a timely manner and gave IFES a document to point to as a road map for future dealings with the NEC and other Sudanese officials.

A lack of timeliness, the absence of an operational plan, and an ad-hoc decision making process on the part of the NEC have been the largest challenges to this project to date. The original electoral calendar slipped behind schedule almost as soon as it was released and the current calendar is at risk of slipping at the time of the submission of this report. USAID and other donor efforts to put pressure on the NEC, GoNU, and GoSS to engage more sincerely on electoral implementation have been invaluable and should continue.

IFES submitted a budget modification just after the close of FY09, which will ideally enable it to implement this project more efficiently and react to last-minute requests by the NEC with less need for approval from USAID. IFES acknowledges that requests to approve activities have come to USAID in a very last-minute fashion and is very appreciative of the rapid approvals USAID has provided. This has been a direct result of the specific NEC weaknesses detailed above. IFES believes that the budget modification will provide it with the necessary flexibility to implement this project to the best of its abilities.

At the close of the fiscal year, IFES is awaiting a source of origin waiver from USAID, which will enable IFES to procure electoral inputs for the NEC on what is likely to be an expedited timeline. Based on NEC operations and decision making to date, IFES expects final specs for polling materials to be finalized at a very late date. The pending source of origin waiver is crucial to the successful implementation of IFES procurement plans for fiscal year 2010.

Next Quarter's Work Plan

The work plan for the IFES SEASP program was approved by USAID and the NEC. The work plan was developed as a list of services which would be offered to the NEC in the course of the election process. Acceptance of each service offered is dependent upon cooperation from the NEC.

II. PROGRAM PROGRESS AND KEY ACHIEVEMENTS (QUALITATIVE AND QUANTITATIVE IMPACT)

Program Deliverables

The Gap Analysis of the National Elections Act (NEA) submitted by IFES to USAID on April 6, 2009 has served as the formal guideline for Objective I of this project. Technical assistance has consistently been delivered to the NEC and sub-national EMBs with a close eye on the Gap Analysis. With nationwide elections taking place during FY2010, many of the IFES SEASP activities had a direct effect on the electoral exercise.

Objective I: The legal and regulatory framework for national elections is completed in a timely manner.

The NEA, codified in July 2009, provided a vague framework for the Sudanese elections. The NEA delegated responsibility for creating a proper electoral system to the NEC. The first deliverable of the IFES SEASP program was a Gap Analysis of the NEA. The Gap Analysis, submitted in final form to USAID on April 6th, to the NEC on May 7th, and to the SSHC on June 26th, outlined forty-seven specific shortcomings in the NEA. The following details these shortcomings and IFES' attempts to rectify them in this fiscal year:

1. *Procedural Rules for the Conduct of NEC Meetings – Establish procedural rules and regulations for organization of the NEC's business and conduct of NEC meetings, including rules for the format, content, and publication of decisions and regulations.*

Following up on advice given by IFES and other international election advisors, the NEC has established two committees – the Policy Committee and the Technical Committee. Both committees began holding regular meetings in May.

The Policy Committee is composed of representatives from the NEC, GoNU, GoSS, USAID, UNMIS, UNDP, the EC, and two other donors. IFES attends the Policy Committee *ex officio*, as do senior advisors from UNMIS, UNDP, and the EC. The Policy Committee serves principally as a forum to update the donors directly on electoral preparations. Additionally, the donors have the opportunity to make recommendations to the NEC and both governments. Finally, the Policy Committee is meant to provide guidance to the Technical Committee regarding the delivery of technical support for the electoral process.

The Technical Committee includes the NEC, IFES, UNMIS, UNDP, and the EU. The Technical Committee is the formal structure through which international advisors and the NEC coordinate the details of the technical assistance being provided by the international community. The assistance provided to date on budget development, general election planning, training structure, voter registration, and voter education have been driven by this committee.

Unfortunately, these committees have not been able to meet regularly and most interaction with the NEC continues on a purely ad-hoc basis.

The Gap Analysis recommended that the NEC address this issue immediately by establishing procedural rules and regulations for NEC meetings. IFES' recommendations included that these rules and regulations be established in such a way as to encourage open and efficient decision making. IFES cited the *Venice Commission's Code of Good Practice on Electoral Matters* as a strong source for preparing these rules and regulations. As of the close of this fiscal year, the NEC has not created formal rules and regulations governing their own operations, meetings, or decision-making practices.

2. *Organizational for the Election Administration – Define the functions and duties of the Secretariat General of the NEC*

In the Gap Analysis, IFES cited NEA §(15)(3) as requiring the NEC to identify the functions of the Secretary General and stressed the importance of making this decision “immediately.” As of the close of this fiscal year, the NEC has not clearly defined the functions and duties of Secretary General, Dr. Mohamed Ahmed Galal.

3. *Organizational for the Election Administration – Establishing the procedure for appointing the members of the High Committee of Southern Sudan. Define the functions, duties, and powers of the High Committee of Southern Sudan.*

The SSHC began holding weekly coordination meetings with IFES, UNMIS, and UNDP on June 26th. The early meetings focused heavily on both the roles of the international advisors and that of the SSHC. Following on-going discussions, the SSHC created a “distribution of duties” memo on July 7th. This memo stipulates the duties assigned to each of the four SSHC Members, the Returning Officer, and the Chairman.

While the “coordination” role assigned to the SSHC – by the NEC – remains vague, the SSHC has begun dividing responsibilities amongst themselves. The SSHC has made attempts to coordinate with the Southern SEHC's. In particular, the SSHC took a keen interest in the constituency delineation process in the Southern states.

At the urging of IFES and other international advisors, the SSHC scheduled a meeting with NEC representatives who were travelling to Juba for the Logistics and Warehouse training, which IFES conducted in the first quarter of FY2010. At the request of the SSHC, IFES participated in a half-day preparatory meeting on Saturday, September 26th. IFES and other international advisors urged the SSHC to address the need for an SSHC point person to be housed within the NEC structure in Khartoum to enable the SSHC to receive daily updates on election planning and preparations. The meeting between SSHC and the NEC officials took place on Monday, September 28th. It was agreed that international advisors would not take part in this meeting, in order to enable the Sudanese officials to speak frankly and openly without concern for image or secrecy. As of the end of this fiscal year, it was too early to have any actual results from this meeting, as the NEC officials did not even return to Khartoum until October 2nd.

4. *Organizational for the Election Administration – Establishing the procedure for appointing the members of the High Committee of each state. Define the functions, duties, and powers of the state high committees.*

SEHCs' appointments were announced at the same time as the appointment of the SSHC. The appointment process was not particularly open, although it does appear that both GoNU and GoSS officials were involved. There have, however, been numerous complaints at the state level regarding the tribal and political make-up of the SEHC and SSHC. SEHC's have been given the role of full implementation of the entire election process with minimal to no input on the rules and regulations affecting this implementation. Based on IFES' interaction with SEHC Chairs and Members during the mid-June orientation training and field visits, SEHC's are far from happy with this situation. They have borne the brunt of the complaints regarding the constituency delineation process and feel that policies are not communicated with enough time for them to implement them successfully. Additionally, each of the Southern SEHC's have complained that the funds sent to them from the NEC have been inadequate to carry out the duties assigned.

5. *Organizational for the Election Administration – Establish NEC's executive offices in Southern Sudan and all states of Sudan and determine functions, powers, and duties of these offices.*

At the close of the fiscal year, each of the SEHC's had offices, while the SSHC was preparing to move into their office. IFES assisted in this process by purchasing furniture for the NEC office in Khartoum. IFES spent a total of \$32,677 (thirty-two thousand six-hundred and seventy-seven US Dollars) on procurement for the set-up of the NEC office. Everything purchased was delivered on time, with the exception of some filing cabinets, which were delayed due to import difficulties on the vendor's side. The filing cabinets amount to only 6.5% of the total purchase price of fiscal year 2009 commodities.

6. *Organizational for the Election Administration – Establish rules for appointment of temporary branch committees in the geographical constituencies and "election centres" and determine functions, powers, and duties of these temporary committees.*

The Gap Assessment advised the NEC to immediately determine clear rules for how the SSHC and SEHCs would coordinate the creation of branch committees with the NEC. IFES stressed that the temporary nature of the branch committees did not change their importance as on-the-ground representatives of the NEC. IFES also noted that clear regulations at this early stage would "help establish a tradition of transparency throughout all levels of election administration." At the close of the fiscal year, rules for establishing branch committees had not been established by the NEC.

7. *Organizational for the Election Administration – Establish Returning Elections Officer positions, Polling Chief positions, election officer positions and other staff positions for voter registration and polling activities and determine functions, powers, and duties of these positions.*

Returning Officers were appointed for the SSHC and the SEHCs at the same time that the actual Committees were established. At the end of the fiscal year, voter registration and polling details were not yet agreed upon and other positions had yet to be appointed. The appointment of Returning Officers was not conducted in a particularly open manner. While it does appear that both GoNU and GoSS officials were able to vet the list and agree upon the names, there have been numerous complaints at the state level regarding both tribal and political affiliations and inequalities in SEHC appointments.

During a series of meetings in August and September, IFES provided the NEC with verbal advice on the roles and responsibilities of Returning Elections Officers, Polling Chiefs, election officers and other staff for both voter registration and polling activities. At the end of the fiscal year, it remained unknown whether or not the NEC would take this advice into consideration when developing and releasing the final rules and regulations for both voter registration and polling.

8. *Organizational for the Election Administration – Clarification as to who appoints the “competent judge” of the committee that deals with objections made against the Electoral Register. NEA §24(2) can be interpreted to grant appointing power to the Returning Elections Officer. NEA §3 defines the “competent judge” to be “judge specified” through a judicial appointment. The regulation should also state the process for appointment of the §24(2) committee members and submission of the §24(2) committee member names to the NEC for approval.*

The Gap Analysis recommended that this be done 30 days prior to the start of voter registration, which would have been October 2nd. At the close of the fiscal year, NEC had yet to begin addressing this crucial issue. IFES’ recommendations include careful consideration of remuneration, appointments, and removal of judges in order to preserve judicial independence and impartiality. This gap had yet to be filled at the end of the fiscal year.

9. *Observer and Party Agent Accreditation – Establish procedures for the accreditation of political party agents and candidate agents, including clear delimitation of access to election processes and election administration bodies.*

The NEC endorsed “The Code of Conduct for 2009 Elections” on September 17th. Among other things, this document details the process for accrediting party agents and the roles and responsibilities of those agents. In late September, IFES participated in a review of this document – along with NDI, the Carter Center, UNDP, UNMIS, and the EC. Comments were presented to the NEC after the closing of this fiscal year. In the Gap Analysis, IFES stressed the credibility which party and candidate agents lend to any electoral process and the importance of preparing clear procedures for their accreditation immediately.

10. *Observer and Party Agent Accreditation – Establish procedures for the accreditation of domestic and foreign observers, including clear delimitation of access to election processes and election administration bodies.*

Accreditation process, roles, and responsibilities of domestic and foreign observers is also covered in “The Code of Conduct for 2009 Elections” (see #9 above).

- 11. Boundary Delimitation for Constituencies – Establish a plan and procedures for a public and transparent process for the creation of constituencies and delimitation of boundaries that allows for maximum public input from stakeholders, including procedures for preparation and publication of the NEC report on constituency boundaries, receiving objections and alternative proposals to the report, NEC consideration of objections and alternative proposals, and publication of final geographical constituencies' boundaries.*

At the request of the NEC, IFES fielded a constituency-delimitation expert to the NEC in September. While initial discussions regarding this expert began in June, the NEC only extended the formal invitation in late July and began discussing terms of reference for her in early August. The expert was only invited by the NEC to assist with the complaints and objections period of the process. While the expert's final report was not presented to the NEC until the end of the fiscal year, IFES' experience during the actual field visit leaves minimal reason to believe that her advice will genuinely be put into action by the NEC.

NEC Secretary General, Dr. Mohamed Ahmed Galal, welcomed the expert upon arrival and promised full support from the NEC staff. Following this meeting, the expert and IFES field staff spent several days attempting to secure access to vital documents and meetings with key staff. Only after a telephone call from IFES Country Director, Jerome Leyraud, to Dr. Galal did the staff begin to partially cooperate. At the time of the expert's visit, approximately 300 complaints had been received by the NEC, of which fewer than 20 were made available to the expert for review.

As the expert's final report was given to NEC in early October, the report and any outcomes from it will be reported to USAID in the first quarter of FY2010.

- 12. Boundary Delimitation for Constituencies – Determine the number of members to be elected in the National, Southern Sudan, and state legislative assemblies from geographical constituencies and determine the boundaries of each geographical constituency.*

As discussed in #11 above, NEC's formal request to IFES only included the complaints and objections period of the constituency delimitation process.

On July 4th, the NEC distributed the official constituency-delimitation reports to registered political parties on CD-ROM. IFES was given a copy of the same and, after careful analysis, noticed that the seat allocation for Eastern Equatoria state was missing. This omission created inaccurate information for the geographical constituency portion of the SSLA. IFES brought this error to the attention of the NEC and it has since been corrected.

IFES also prepared a compilation of election planning data, to include seat allocations in the North and South, supplemented with some basic demographic data, which is included in Attachment I to this report.

- 13. Electoral Formulas and Determining Elected Candidates – Establish rules to organize all matters related to the procedures for the election of members of the Council of States, including observers for Abyei to the Council of States.*

This gap had yet to be filled at the end of the fiscal year.

14. *Electoral Formulas and Determining Elected Candidates – Establish rules clearly stating, for all elections, the electoral formula that will be used to convert votes into mandates and stating a step by step procedure that can be applied by all stakeholders. How votes will be converted into mandates and mandates will be allocated to various candidates from the lists of political parties should be clearly stated in the regulation and all possibilities, such as ties, withdrawals, and death of a candidate must be addressed to ensure that all winners can be determined based on the voter totals.*

In the Gap Analysis, IFES cited General Comment 25 §21 of the United Nations Human Rights Committee to underscore the importance of filling this gap. IFES recommended that the NEC carefully consider the potential for the death of candidates, ties, and withdrawals when crafting these procedures. This gap was recommended to be filled 90 days prior to election day, which will be the beginning of the second quarter of fiscal year 2010.

15. *Electoral Security and Electoral Violence Prevention – Determine the measures needed to “ensure order, freedom, justice and secrecy in the performance of registration and polling and the control measures to guarantee the same”*

While this gap has yet to be filled, the IFES Security Advisor joined UNPOL, and UNMIS-EAD on a security assessments in both Darfur and El Shemaliya (Northern) State in FY09. These assessments included meetings with SEHC officials and local security forces. In addition to this assessment, the IFES Security Advisor has held regular meetings with UNMIS and Sudanese security officials – in both Khartoum and Juba – in order to begin the planning process for election security.

16. *Voter Registration – Establish the procedures for preparation, revision, and approval of the Electoral Register, including specifying what documentation or information is acceptable to prove Sudanese citizenship, age, and required residency in the geographical constituency. Specify what documents are equivalent to a “personal identification document” and define the content and format of the “certificate” authenticated by the local People’s Committee or the native or traditional administrative authority.*

IFES advisors have been intimately involved with the drafting of the voter-registration training manual. This manual had not been completed at the end of the fiscal year. However, IFES and other international advisors have consistently urged the NEC to only require documentation from people whose citizenship is questioned at the time of attempting to register. As many Sudanese – particularly in rural areas – are without documentation, IFES feels that requesting documentation could lead to the disenfranchisement of a huge portion of the population. At the end of this fiscal year, IFES remained confident that the NEC would heed this advice.

17. *Voter registration – Establish the criteria and locations for voter registration centers and the periodic schedule for voter registration at each center.*

While this gap was yet to be filled at the close of the fiscal year, IFES provided NEC with a detailed plan for establishing voter registration centers on September 27th. This plan is included as Attachments 2A and 2B at the end of this report. The main focus of this plan was ensuring that standard rules were applied when creating registration centers, in order to ensure that every Sudanese citizen would be able to find a registration center within a reasonable distance of their home. IFES identified five key parameters for ensuring equal access for all Sudanese during the voter-registration process:

- Voting population of the constituency;
- Size of the constituency;
- Number of teams assigned to the constituency;
- Identified settlements; and
- Registration Centers within a range of 5 to 10 kilometers of place of residence.

Lastly, this plan stressed the crucial need for sensitizing the voters regarding the voter-registration exercise. The IFES plan urged the NEC to schedule the exercise out well in advance, including the number of registration teams, exactly where the registration teams would be, and on which dates they would be there. By planning these key aspects of the exercise in advance, the SEHCs and other stakeholders could then provide the voters with correct information to ensure equal access to the process for all Sudanese citizens.

18. *Voter Registration – Establish manner in which Electoral Register is exhibited for public display to allow for additions, deletions, corrections, and amendments before elections, including timeframe, locations, and rules for requesting changes to correct voter details.*

In the Gap Analysis, IFES recommended that this issue be addressed sixty days prior to the commencement of voter registration, which would have been September 2nd. At the conclusion of this fiscal year, this gap had yet to be filled. Also in the Gap Analysis, IFES stressed the importance of exhibiting the voter roll and provided specific guidelines for making this possible. IFES encouraged the NEC to utilize the nationwide reach of political parties

19. *Voter Registration – Establish rules for making objections against entries in Electoral Register and appealing decisions on objections, including rules for publication of changes by the Returning Elections Officer and submission of recommendations to the NEC by the Returning Elections Officer for the final Electoral Register.*

In the Gap Analysis, IFES pointed to NEA §(22)(5) and §(23)(d) which require the NEC to establish these rules. IFES further cited the Venice Commission Code of Good Practice in Electoral Matters §(3.3)(98-100) in urging the NEC to ensure that this process be subject to judicial review. At the close of the fiscal year, this gap had yet to be filled.

20. *Voter Registration – Establish rules for publication of the final Electoral Register, inspection of final Electoral Register, and provision of a free copy to political parties.*

During meetings to design the voter-registration training manual, IFES advisors consistently encouraged the NEC to begin establishing a system for publishing the voter register following the registration process. Some members of the NEC have felt the need to computerize the register prior to publication. IFES and other international advisors have recommended against this, as the time required to train data-entry staff and enter the required information is not in the current calendar. At the close of the fiscal year, this gap had yet to be filled.

21. *Voter Education – As there is no express provision in the NEA regulating voter education, the NEC should promulgate a regulation that will ensure there is a comprehensive plan in place to provide public information and civic/voter education. Such a regulation would facilitate the meaningful and effective realization of suffrage rights by Sudanese voters. The regulation should establish a comprehensive strategy for voter education that includes messages and coordination outreach, particularly with regard to women and marginalized groups.*

While this gap is not completely filled, as voter education efforts have yet to truly start, IFES has been instrumental in preparing a foundation for voter education efforts. Based on IFES' advice, the NEC has agreed to produce a voter-registration training manual, which will serve as both a training tool for voter-registration staff and an educational tool for those conducting voter education.

IRI and NDI have used the draft copy, provided by IFES, of the manual to create materials for training their Sudanese counterparts. NDI has pulled from the manual to prepare for SUNDE's voter-education activities, which will begin in October. IRI will be training political parties on the voter-registration process during the same period. Additionally, IFES will be printing 30,000 copies of the manual (20,000 in Arabic and 10,000 in English). Copies not required for the NEC training program will be made available to USAID partners and other organizations involved in voter-education efforts in Sudan.

22. *Out-of-Country Voting – Establish procedures for Sudanese residents outside of Sudan, who have a Sudanese passport and valid resident visa in the country where he or she resides, to apply for registration in the Electoral Register for election of the President of the Republic or Referendum.*

The Gap Analysis highlighted the importance of establishing clear procedures for Sudanese voters living abroad with an aim of "providing voting rights to the broadest pool of eligible citizens." With the large number of refugees in mind, IFES also cited the Venice Commission Code of Good Practice in Electoral Matters as providing guidance with regards to residency restrictions. This gap had yet to be filled at the end of the fiscal year. Out of country voting plans were revealed by the NEC following the close of the fiscal year.

23. *Political Party and Candidate Nomination – Establish the procedures, timeframe, deadlines, and forms for the nomination and secondment of candidates, including specifying what documentation or information is acceptable to prove Sudanese citizenship, age, required residency in the geographic constituency, and that one is Sudanese by birth where required for certain elections. Establish procedures for evaluation and approval or denial of candidate nominations and secondments, including publication of all accepted and rejected*

nominations, rules for inspection of nomination papers and objections to nominations and appeals of decisions rejecting nominations. Establish procedures, forms, and deadlines for candidate withdrawal of nomination and publication of approved final lists of candidates. Establish procedures and forms for replacing candidates on the lists of political parties.

In the Gap Analysis, IFES noted that limits may be placed on the right to stand for elected office, but stressed that these limits must be narrowly construed, objective, and reasonable. IFES also highlighted the need to clearly define the terms “personal identification document” and “certificate authenticated by the local People’s Committee” as they are used in NEA §41-63. This gap had yet to be filled at the end of the fiscal year.

24. *Political Party and Candidate Nomination – Determines the electoral symbols for nominated candidates and political party lists.*

In the Gap Analysis, IFES advised the NEC to determine these symbols immediately following the completion of party lists and before the completion of candidate lists. This time has yet to arrive. IFES also urged the NEC to ensure that party symbols are “free from incendiary meaning or discriminatory inferences in accordance with international obligations for non-discrimination, including those found in the International Covenant on Civil and Political Rights §19.”

25. *Electoral Campaign – Establish rules for the election campaign to regulate the conduct of candidates, political parties, and supporters, including the period during which electoral campaigns shall take place and the manner of the electoral campaign.*

The current electoral calendar has set the period for electoral campaigns, but the majority of this gap has yet to be filled. The Gap Analysis urged the NEC to adopt regulations which ensure that “all electoral candidates should be awarded equal time to campaign, equal standing before the law, and the freedom to campaign regardless of ideological opinion.”

26. *Media – Establish rules for candidates and political parties to have access to media for purposes of the election campaign on the basis of equality and equal opportunities and to prevent media discrimination in news coverage of the election campaign, including rules for a comprehensive program that guarantees equal use of public media by all political parties for the electoral campaigns.*

While these regulations are yet to be developed, the NEC has conducted training for journalists. This training gave the journalists an overview of the NEA, current electoral plans, and the NEC’s view of the role and responsibility of the media during the election process.

In the Gap Analysis, IFES pointed out that state-controlled media must provide equal access to all candidates, citing the Venice Commission Code of Good Practice in Electoral Matters §(2.3)(aa)(ii). IFES further stated that the NEC has the mandate, under the NEA, to establish regulations to ensure that private media coverage is unbiased and non-discriminatory.

27. *Media – Establish procedures for some type of NEC adjudicatory process to hear complaints against the media for violations of the regulations and to issue decisions that grant some remedy or relief for violations.*

Citing NEA §66, the Gap Analysis noted the requirement for the NEC to provide a process for filing complaints against the media and establishing an official body to hear and decide on such complaints. Pointing to the Declaration of Principles on Freedom of Expression in Africa §§(7) and (9), IFES stressed the need to make this process widely accessible and based on “publicly promulgated laws and accepted codes of conduct.” This gap had yet to be filled at the end of the fiscal year.

28. *Political Finance – Determine coordinated regulations that oversee the funding of political parties and candidates by the National, South Sudanese or State governments; including procedures to ensure public funding is allocated equally between all parties and candidates.*

The Gap Analysis pointed to the need for public funding for campaigns to be fair and transparent. IFES also stressed the need for any public funding to be provided well before the actual election. This gap had yet to be filled at the end of the fiscal year.

29. *Political Finance – Establish rules for allowing access to the public media for political party/candidates during the campaign on the basis of equality.*

In the Gap Analysis, IFES pointed out that the NEA does not state who is responsible for establishing these particular rules. The Gap Analysis further stated that a decision on this issue must be taken in a timely manner and treat all political actors equally. This gap had yet to be filled at the end of the fiscal year.

30. *Political Finance – Establish regulations for public contributions to electoral campaigns, which include clear guidelines on what constitutes an approved source for campaign funding (political parties and candidates)*

The Gap Analysis points out the difficulty of distinguishing between general political party income and income that is specifically for electoral campaigns. This creates potential conflict between PPA §21(1) and NEA §67(2, d). IFES suggested that the NEC could determine that all income by political parties during the campaign period be designated as “campaign income”.

31. *Political Finance – Define what is meant by a “reasonable” campaign expense, and provide guidelines to political parties and candidates establishing acceptable campaign expenditures.*

In the Gap Analysis, IFES urged NEC to address a lack of clarity in NEA §68, which allows for “any other reasonable expenses necessary for the implementation of electoral activities.” IFES advised the NEC to seek coordination with the Political Parties Affairs Commission (PPAC) to clearly define what “reasonable expenses” can include. IFES noted that coordination with PPAC is crucial, as PPAC is authorized to monitor expenses of political parties under PPA §21(2). This gap had yet to be filled at the end of the fiscal year.

32. *Political Finance – Establish a ceiling on campaign spending to ensure all parties have an equitable opportunity to present their campaign message.*

The NEA provides the NEC with the authority to establish such a ceiling for candidates and political parties. The NEA further states that the NEC should use the following criteria in establishing these ceilings:

- The geographical size of the area to be contested by the political parties and candidates and any geographic impediments on movement in the area;
- The ease of access to communities in the area and available transport and communication systems;
- The number and distribution of the population in the area; and
- Any other reasonable circumstances that may affect the costs of the electoral campaign.

IFES advised the NEC that developing different ceilings for different areas would be prohibitively time consuming. IFES further encouraged the NEC to seek to create a consistent formula, with assistance from IFES and other international advisors, to clearly and transparently create spending caps. This gap had yet to be filled at the end of the fiscal year.

33. *Political Finance – Develop guidelines, structures, and forms for reporting by political parties and candidates after elections on party expenditure.*

This gap falls under the jurisdiction of the PPAC. This gap had yet to be filled at the end of the fiscal year.

34. *Political Finance – Clarify whether political party reports must be audited before submission to the NEC.*

IFES noted that it will be difficult for political parties and impossible for most candidates to have their accounts audited within the thirty-day post-election requirement for submission to the NEC. IFES further stressed the potential problem based on the possibility that candidates who fail to meet this requirement could be imprisoned. IFES noted that the general reason for finance reporting is to increase transparency without placing undue burden on political parties or candidates. IFES recommended that reports be audited after their submission to the NEC. This gap had yet to be filled at the end of the fiscal year.

35. *Political Finance – Establish clear procedures governing publication of financial reports received by the NEC from political parties and candidates.*

In the Gap Analysis, IFES noted a lack of requirement for public disclosure of financial reports in the NEA and highlighted the importance of rectifying this for the sake of transparency. As harassment against contributors is a legitimate concern, IFES recommended that the identity of small-level donors not be publicized, as is the case in many parts of the world. This gap had yet to be filled at the end of the fiscal year.

36. *Political Finance – Specify who is held responsible if political parties fail to submit financial reports, clearly distinguishing if fault rests with specified office holders or the party itself, as a legal entity.*

The Gap Analysis stressed the need for the NEC to clarify if the registered political party or certain officials from the political party would be legally responsible and thus subject to penalties for failure to submit reports. This gap had yet to be filled at the end of the fiscal year.

37. *Electoral Access for Citizens with Disabilities – Establish procedures to ensure that special accommodation is given to citizens with disabilities to ensure such citizens are able to register to vote and participate in the elections.*

IFES cited the United Nations Convention on Persons with Disabilities – to which Sudan is a signatory – in the Gap Analysis as requiring “the provision, on the basis of equality, for the active enjoyment of political rights for all persons with disabilities.” IFES has stressed the need for the NEC – through their mandate under NEA §(74)(1) – to adopt measures which will fully enfranchise people with disabilities while maintaining ballot secrecy. This gap had yet to be filled at the end of the fiscal year.

38. *Ballot Design, Printing, and Distribution – Specification of the ballot format and layout, security measures for the ballot to prevent fraud, and regulations for the transparent and secure printing and distribution of ballots and election materials, including format and content of statement of delivery forms and other forms to regulate delivery and receipt of election materials.*

While ballot design gaps have yet to be filled, IFES and UNMIS collaborated to establish a system for delivering, storing, distributing, and keeping track of election materials at the conclusion of this fiscal year. This plan was endorsed by the NEC and training of warehouse and logistics staff, as well as SEHC Members responsible for this aspect of the process, took place in early October 2009 after this fiscal year concluded.

Additionally, IFES created polling projection documents and delivered these to the NEC. These documents were meant to provide the NEC with an estimate, based on census data, for ballot needs in different areas of Sudan.

39. *Transparent Voting and Counting – Establish the criteria and locations for polling stations and public lists of polling stations.*

The Gap Analysis pointed out the need to establish polling station locations well before polling. IFES stressed the importance of providing fair and equal access to all voters when determining polling station locations. This gap had yet to be filled at the end of the fiscal year. IFES sent a number of documents in September to the NEC to project the number of polling stations that would be needed, along with the implications for the numbers of ballot papers, ballot boxes, and other commodities necessary; these are included as Attachment 3.

40. *Transparent Voting and Counting – Establish the procedures for opening polling stations, specifying who may be present in the polling stations, and stating each step for processing*

voters, casting ballots, and closing of the poll, including circumstances under which polling may be extended.

IFES' Gap Analysis noted that the NEA puts the onus for establishing who may be present in the polling station during voting on the NEC. IFES encouraged the NEC to adopt "clear step-by-step procedures for how a vote should be cast, including provisions for the correct signing or stamping of ballots, security procedures for limiting duplicate voting, and a requirement that voters be allowed to cast their ballot in full secrecy." IFES also pointed out the importance of NEA §104 in this area, which grants access to accredited observers and party agents. This gap had yet to be filled at the end of the fiscal year.

41. *Transparent Voting and Counting – Establish who may be present for counting of the ballots and the procedures for verifying security of ballot boxes after closing of polling, opening ballot boxes, sorting, counting, aggregation of counting results, and declaration of results at polling station. Establish format and content of sorting and counting report form and all forms necessary for recording polling station voter turnout and data on ballots casts, count of ballots, determination of results, and transfer of results tabulations.*

The Gap Analysis notes that NEA §104 supports the widely-accepted good practice of allowing candidates, party agents, and accredited observers to remain in the polling station during counting. IFES advised the NEC to develop regulations in line with this practice and to also include provisions for preserving results for future review. This gap had yet to be filled at the end of the fiscal year.

42. *Transparent Voting and Counting – Establish procedures for transfer of all used and unused ballots, polling and sorting and counting material, and completed forms from Chief of the Polling Committee to Chief of the Polling Centre and for subsequent transfers to geographical, state, and Southern Sudan high committees or the NEC.*

The Gap Analysis cites NEA §(78)(2)(e) as requiring polling committee chiefs to "submit...all used and unused ballot papers, and all polling and sorting and counting materials as shall be detailed by the rules." IFES went on to stress the importance of the NEC adopting clear regulations for this requirement and allowing for enough time to train election officials on the steps which need to be taken. This gap had yet to be filled at the end of the fiscal year.

43. *Transparent Voting and Counting – Establish procedures for aggregation and declaration of results at the Polling Center, geographical constituency, state high committee, Southern Sudan High Committee, and NEC.*

Based on the Venice Commission Code of Good Practice in Electoral Matters, the IFES Gap Analysis advised the NEC to consider minimizing the number of declaration of results forms to be filled out on polling day. IFES also recommended that results be posted for public view outside of all polling and collation centers. This gap had yet to be filled at the end of the fiscal year.

44. *Transparent Voting and Counting – Establish procedures for declaration of and publication of final results and determination of candidates elected to each office.*

IFES' Gap Analysis cited both the Venice Commission Code of Good Practice in Electoral Matters §3.2.2.5.(50-51) and the Economic Community of West African States (ECOWAS) Protocol on Democracy and Governance §2.6 in urging the NEC to ensure that procedures adopted for the counting process ensure transparency and openness. This gap had yet to be filled at the end of the fiscal year.

45. *Electoral Dispute Resolution – Define terms relevant to the filing of complaints and specify what complaints are within the jurisdiction (competence) of each election management body and each election official to adjudicate. The specification of jurisdiction should include stating the authority of election management bodies and election officials to review complaints that are “appealing” a previous decision on a complaint. The specification of jurisdiction should also state what complaints fall outside of the jurisdiction of election management bodies and personnel and are within the exclusive jurisdiction of courts.*

Based on the United Nations Human Rights Committee General Comment 31 §15, the IFES Gap Analysis recommended that the NEC adopt a two-pronged system for electoral dispute resolution. This system would include both judicial and administrative means for addressing complaints, which would ensure judicial review of fundamental-rights complaints and timely resolution through administrative bodies. This gap had yet to be filled at the end of the fiscal year.

46. *Electoral Dispute Resolution – For complaints that fall within the jurisdiction (competence) of the NEC, specify procedures that establish a uniform and transparent process for handling complaints, including filing requirements, hearing procedures, evidentiary rules, and content of decisions.*

NEA §§81 and 84 set deadlines for the adjudication of electoral disputes. IFES' Gap Analysis urged the NEC to create procedures which are both clearly articulated and easily understood, in order to meet these deadlines. Furthermore, IFES cited United Nations Human Rights Committee General Comment 32, §18 and the Venice Commission Code of Good Practice in Electoral Matters §3.3 to highlight that electoral best practices encourage that administrative decisions should be subject to judicial review. This gap had yet to be filled at the end of the fiscal year.

47. *Electoral Dispute Resolution – Specify rules for procedures to submit and record any complaint made during the counting of votes and declaration of results.*

In order to create an environment for wide-spread acceptance of the elections, it is crucial for the NEC to create a process by which complaints can be officially made during the counting and declaration of votes. To this end, IFES' Gap Analysis advised the NEC to create such a process. Furthermore, the Gap Analysis pointed out the importance of educating party agents, observers, and the general public on this process. As was the case with the voter-registration training manual, IFES foresees the need for polling-training materials to be created with a dual use (training of officials and education of the general public and key stakeholders) in mind. This gap had yet to be filled at the end of the fiscal year.

Objective 2: EMBs at the national, regional, and state levels develop the capacity to operate efficiently and independently.

Each layer of the Sudanese EMB structure – from NEC through to the SSHC and SEHCs – has been created well behind the ideal schedule for holding nationwide elections on time. In spite of these delays and other obstacles, IFES has contributed to the operational capacity of each level during this fiscal year.

Most significant to this objective has been IFES’ participation in the budget-drafting process with the NEC and other international advisors. The initial budget put forward by the NEC was far from reasonable in terms of price. Furthermore, the numbers in the initial budget were not linked in any way to election activities, further highlighting a lack of forward-thinking regarding the electoral process and the operational capacity to implement it. IFES spent several weeks working on a daily basis with the NEC to develop a budget which they themselves and the international community have found acceptable. This process afforded IFES the opportunity to walk the NEC through each stage of the electoral process – from constituency demarcation through to post-polling complaint adjudication. In doing so, IFES was able to increase the NEC’s understanding of a proper electoral process and reinforce the necessity of clear and focused planning if nationwide elections are to be carried out with any modicum of success.

Additionally, IFES has worked towards improving communications between the different EMB levels in Sudan. IFES advisors in Khartoum have found the need to consistently stress the fact that Southern Sudan works very differently from the Northern part of the country and the importance of considering the Southern perspective when making plans and regulations. From Juba, IFES has had the opportunity to prepare the SSHC for meetings with the NEC, in order to urge the SSHC to state their own case and voice their many concerns openly.

Lastly, IFES consultations with the SSHC resulted in a “roles and responsibilities” document, which divided the work of the SSHC amongst the Chairman, four Members, and the Returning Officer. To their credit, the SSHC has continued to use this document to divide assignments amongst themselves.

Objective 3: EMBs develop the technical capacity to administer and oversee key functions of elections administration

The orientation training, held from June 16th through 18th in Khartoum, brought the entire Sudanese EMB structure together for the first, and up to now, only time. This provided each level of the EMB structure the opportunity to discuss the challenges that lie ahead and to make face-to-face connections with their counterparts from other parts of the country. The aim of the orientation conference was to introduce all the SSHC, all twenty-five SEHCs, and twenty-six Returning Officers to their duties and to bring them together in one venue with the NEC for the first time.

As part of IFES’ strategy to coordinate all activities with other electoral assistance providers, the training was jointly organized by IFES, UNMIS, UNDP, and the Assessment and Evaluation Committee. Roles and financial responsibilities were agreed upon in advance,

amongst the four organizations, and the success of this coordination bodes well for future activities.

IFES provided one international consultant, Emad Yousef. Yousef is a fluent Arabic speaker and a certified BRIDGE (Building Resources in Democracy, Governance, and Elections) trainer. Yousef provided training – in Arabic – on electoral cycle, geographic constituency delimitation, and voter registration. Additionally, IFES Electoral Advisors – Mustafa Safwat Sidqi and Dan Malinovich – served as trainers for this event. Sidqi presented on principles of democratic elections, while Malinovich focused on election observation and other electoral actors. The NEC leadership and general participants expressed their appreciation for the breadth of experience held by the three IFES trainers.

The first two days consisted of presentations from international and domestic experts with simultaneous translation provided, in order to ensure that participants and trainers who only spoke one language were provided with immediate understanding. The third day consisted of NEC instructions to the SSHC and SEHCs. While the NEC initially requested that this third day be a closed session, without participation from the international community, subsequent discussions led to acceptance of IFES and other international presence for the entire training. This highlights IFES' ability to ensure clear and accurate reporting, as well as the NEC's willingness to show some signs of compromise.

IFES views this orientation training as a major success for FY09. Participants were engaged throughout the three-day process and showed an awareness of the difficulties they face in conducting nationwide elections in Sudan. As the first opportunity for the entire Sudanese EMB structure to come together, IFES was able to provide the participants with an excellent opportunity for team building and sharing of concerns and ideas. The NEC Chairman and Board of Commissioners – with the exception of one ailing Commissioner – attended all three days of the training, thus showing the importance of this event not only to the international community but the NEC leadership as well.

Objective 4: Necessary commodities are provided to maximize operational efficiency and public confidence in election procedures

At the close of FY09, the voter-registration plan had yet to be finalized and accepted by the NEC. IFES, however, has been intimately involved with every step of the process through September 30th. IFES has provided the NEC with ample resources for preparing their voter-registration plan. This has included a draft voter-registration plan – provided at the request of the NEC – and a clear and concise plan for determining the location of voter-registration centers.

Throughout the process, IFES has stressed the importance of carrying out strong voter-education efforts throughout the entire electoral process. As the Sudanese with internationally-acceptable elections is limited, the overall population will be required to absorb a great deal of information in a very short amount of time. To this end, IFES successfully convinced the NEC to agree to a dual-use manual for the voter-registration process. This manual has been designed, with considerable input from IFES advisors, to serve as both a training tool for voter-registration officials and staff, as well as a voter-education tool. In addition to contributing heavily to the content of the manual, IFES will be printing 30,000 copies – 20,000 in Arabic and 10,000 in English. Copies not required for

training will be distributed to USAID implementing partners and other organizations to carry out this much-needed voter education.

Lastly, while initial plans for voter-registration training included minimal involvement from IFES and the rest of the international community, plans for this changed following the close of FY09. IFES will report further on their involvement with this training in the first quarter of FY10.

Objective 5: Necessary commodities are provided to maximize operational efficiency and public confidence in election procedures

FY09 procurement was limited to furniture for the establishment of the NEC office in Khartoum. These procurement efforts resulted in a total of \$32,677 (thirty-two thousand six-hundred and seventy-seven US Dollars) spent on furniture. Due to import difficulties from the winning vendor, filing cabinets worth \$2,108.43 (two-thousand one-hundred and eight US Dollars and forty-three US cents) were delivered late. This delay was outside of IFES' control and IFES is extremely pleased with the 93.5% on-time and to-spec delivery rate.

Also during FY09, IFES began the procurement process for voter-registration manuals, which were designed with IFES' assistance. IFES intends to deliver 20,000 Arabic-language and 10,000 English-language copies in time for the voter-registration process, despite continued delays from the NEC on the finalization of this crucial document.

Lastly, IFES prepared a list of electoral inputs for polling and has submitted a source of origin waiver to USAID. This has been done in conjunction with the NEC and other international electoral-assistance providers, in an effort to ensure that the groundwork is laid for timely delivery of materials for April 2010 elections.

Cross Cutting Issues

To this point, the only cross cutting issue touched upon by the IFES SEASP program is "developing institutional capacity". During this fiscal year, IFES has provided each of the appointed EMB officials (from the NEC, SSHC, and SEHCs) with an orientation course on the NEA and basic election processes.

Basic understanding of electoral processes is extremely low in the population as a whole; rather problematically, this includes many serving within the EMBs. Additionally, past election experiences in Sudan have fallen far short of being inclusive or meeting international standards. Despite this, NEC and other EMB officials – particularly those from "the North" – have often referred to the 1986 election as a strong baseline for conducting upcoming elections. For these reasons, international standards, safeguards against fraud, and other basic electoral-management elements were required topics for this initial training. As the program continues, IFES fully expects to be required to reiterate these topics.

IFES advisors – both in Khartoum and Juba – have found success in developing the institutional capacity of the NEC and SSHC through consultative meetings. The strongest example of this came during the lengthy process of developing the NEC budget. USAID and other donors had raised legitimate concerns regarding the initial budget proposed by the

NEC. The initial budget was far overpriced and did not link funds to actual activities. Without a proper budget, donors were beginning to question their financial commitments to the electoral process.

Through regular meetings over the course of several weeks, IFES and other international advisors were able to work with the NEC to develop a realistic budget. The new budget not only helped to restore some of the lost donor confidence, but it required the NEC to truly think through the entire process of conducting this election – from voter registration through to adjudicating complaints after results are finalized.

In Southern Sudan, IFES has been a leader of coordination efforts between the SSHC and the international community. The SSHC, IFES, and other international advisors have been holding weekly coordination meetings since the establishment of the Committee. Through these meetings, the SSHC has divided roles and responsibilities amongst the Chairman, four Commissioners, and the Returning Officer.

While the NEC still has many hurdles to overcome, IFES' work in the first year of this project has provided its counterparts in the SSHC and SEHC with a stronger base in basic electoral management.

Environmental Compliance

IFES' work plan does not include any activities which are subject to environmental compliance and does not foresee any changes to that in the future execution of SEASP.

Lessons Learned

The primary lesson learned during FY09 of IFES SEASP has been the need for flexibility in implementation. This has been a common theme, which has run through each of the various problems experienced by IFES to date.

While the IP provided IFES with a legal framework for operating in Sudan and led to IPs being signed for other USAID implementing partners, it also created a completely new system for the GoNU which they had clearly not planned for. As such, acquiring work permits and long-term visas, hiring CCNs, and registering project vehicles have all required additional time and thought. These delays have increased costs – through longer periods of vehicle rental, in particular – and have proven to be a time drain for IFES staff. Overall, the benefits of the IP far outweigh these challenges, but the need for flexibility – both in budgeting and scope of work for IFES staff was key to meeting these challenges.

A lack of long-term planning and basic operational abilities on the part of the NEC has been the key source of this need for flexibility. Reaction to the IFES Gap Analysis, plans for training at all levels of the EMB structure, and procurement needs have all fallen well short of the ideal timeline. This has required IFES SEASP to react to last-minute requests throughout the course of this project. This has only increased as the planned election date approaches and will likely remain the case throughout the course of the electoral process.

IFES truly appreciates the rapid response which USAID has provided to enable it to react to each of the last-minute requests from the NEC. In an attempt to minimize the need for such requests, IFES has prepared a streamlined budget modification, which was submitted to

USAID just after the close of FY09. This budget modification should provide IFES the necessary flexibility to implement SEASP with minimal burden on the USAID Mission in Sudan.

As plans for polling are likely to come very near to the actual polling day, IFES has taken a pro-active approach to preparing for procurement of electoral inputs. IFES has provided a list of recommended electoral commodities to the NEC and has already begun contacting potential vendors. These early preparations will enable IFES to react rapidly to last-minute decisions from the NEC regarding electoral materials. Furthermore, IFES participation in the printing of voter-registration training manuals (to be reported in detail in Q1 FY10) has given IFES full understanding of the printing capacity in both Khartoum and Juba. This information will be beneficial when the printing of ballots and other polling forms begins.

III. PROGRESS ON INDICATOR TARGETS (QUANTITATIVE IMPACT)

Summary Indicator Table

Indicator	Annual Target	Quarterly Achievement Q1	Quarterly Achievement Q2	Quarterly Achievement Q3	Quarterly Achievement Q4	Annual Achievement
PI (GDJ 3.2)	8	0	0	0	4	4
2.1 (GDJ 3.2)	156	0	0	155	8	163

Only four of the eight electoral procedures and systems were worked on by the NEC during FY09. IFES fulfilled providing assistance to the technical process in this important phase; however, the NEC is the entity ultimately responsible for implementing the recommended changes. IFES was able to strengthen three of those four. The fourth procedure and system – constituency delimitation – was addressed by IFES through the fielding of an international expert. That expert delivered her final report to the NEC, but IFES does not expect the NEC to make the significant changes to the constituency map that was advised in that report.

These four objectives were the only ones that pertained to this calendar year once the NEC had delayed the elections until April 2010. Thus, IFES plans to pursue the remaining objectives, which include objectives that are time-sensitive to the date of the election, such as observer accreditation and access for voters with disabilities.

Targets for FY10 and FY11 have not yet been finalized with USAID, pending changes in the electoral calendar and other circumstances in Sudan.

INDICATOR TITLE: Number of Electoral Administration Procedures and Systems strengthened with USG assistance			
UNIT: Number of election officials	DISAGGREGATE BY: None		
	Geographic Location	Electoral Administration Procedure and System	Sub-total
	Khartoum and Juba	Electoral Organization	1
	Nationwide	Voter Information	1
	Nationwide	Voter Registration	1
	Nationwide	Constituency Delimitation	1
	Total		4

INDICATOR TITLE: Number of Election Officials trained with USG assistance						
UNIT: Number of people	DISAGGREGATE BY: Gender and State					
	State	Event/Output	Date	W	M	Sub-total
	Nationwide	Orientation Training	June 16 - 18	13	142	155
	Khartoum	Working Session on Voter Registration	August 24	0	8	8
	Totals			13	150	163

IV. MONITORING

IFES SEASP is reporting on two indicators for FY09: Number of Electoral Administration Procedures and Systems strengthened with USG assistance and Number of Election Officials trained with USG assistance.

Monitoring the first indicator required IFES to keep track of all advice given to the NEC – both written and verbal – and track NEC decisions taken with that advice in mind. The initial target of eight electoral administration procedures and systems strengthened proved unrealistic, primarily due to the slow pace of electoral preparations. As of the close of FY09, four of the eight procedures and systems had been given minimal to no consideration by the NEC. IFES has, however, as demonstrated above under “Objective I: The legal and regulatory framework for national elections is completed in a timely and credible manner”, given the NEC advice on every stage of the electoral process through the Gap Analysis.

Monitoring the second evaluation was done through attendance sheets at the two trainings conducted by IFES during FY09. This information has been disaggregated by gender and location. The number of women trained is admittedly low. This, however, is not within the control of IFES, as NEC has full authority for appointments at every level of the EMB structure. As the largest training in FY09 included an equal number of representatives from each of the twenty-five Sudanese states, IFES has effectively provided nationwide training to this point in the implementation of the SEASP.

V. PROJECT ADMINISTRATION

Constraints and Critical Issues

As discussed in the “Lessons Learned” section above, the need for flexibility has been a common theme and provided the most constraints for IFES SEASP. IFES has reacted well to these constraints by working closely with both USAID and the GoNU to effectively create a new mechanism for operating as a legal entity in Sudan. The IP mechanism has circumvented the Sudanese Humanitarian Aid Commission (HAC), which has proven to be a problematic entity for many international NGOs. While the creation of the IP mechanism has required IFES, USAID, and the GoNU to create new systems for operations in Sudan, it has been a major net positive for the program.

A lack of planning and clear decision-making processes on the part of the NEC has created the most constraints for IFES SEASP. As detailed throughout this report, the NEC’s inability to submit clear and timely requests for assistance has created the need for IFES and other international assistance providers to react rapidly without always having a clear understanding of the actual wants of the NEC. While the needs of the NEC are vast and apparent, the political sensitivities and Sudanese ownership of the electoral process mean that the wants outweigh the needs in terms of importance. Through close cooperation with other international assistance providers, IFES has been able to effectively implement this project in spite of roadblocks posed by our partners in the NEC.

Security Issues

While security issues have not directly affected the implementation of IFES SEASP or the day-to-day lives of IFES’ field personnel, there is cause for concern regarding the potential impact of a lack of security on the electoral process. Based on assessment missions and regular interaction with other security actors – both Sudanese and international – IFES sees several areas where both voter registration and polling face major security issues. In addition to Darfur, there are pockets of insecurity across Southern Sudan. Tribal clashes, cattle raiding, Lord’s Resistance Army activity, and skirmishes within Sudanese security forces all have the potential to scuttle voter registration and/or polling in various areas.

Personnel

IFES anticipates the need to recruit a replacement for the Advisor to the SSEHC by the end of the calendar year. The current Advisor will be leaving the program to pursue a graduate degree.

Changes in the Project

No changes to the approved workplan are anticipated in the near future. .

Contract Modifications and Amendments

IFES submitted a reprogrammed budget for the program at the end of FY09.

VI. FINANCIAL INFORMATION FOR INTERNAL USAID USE ONLY

Cash Flow Report and Financial Projections (Pipeline Burn-Rate)

**Chart 1: Obligations & Current and Projected
Expenditures**

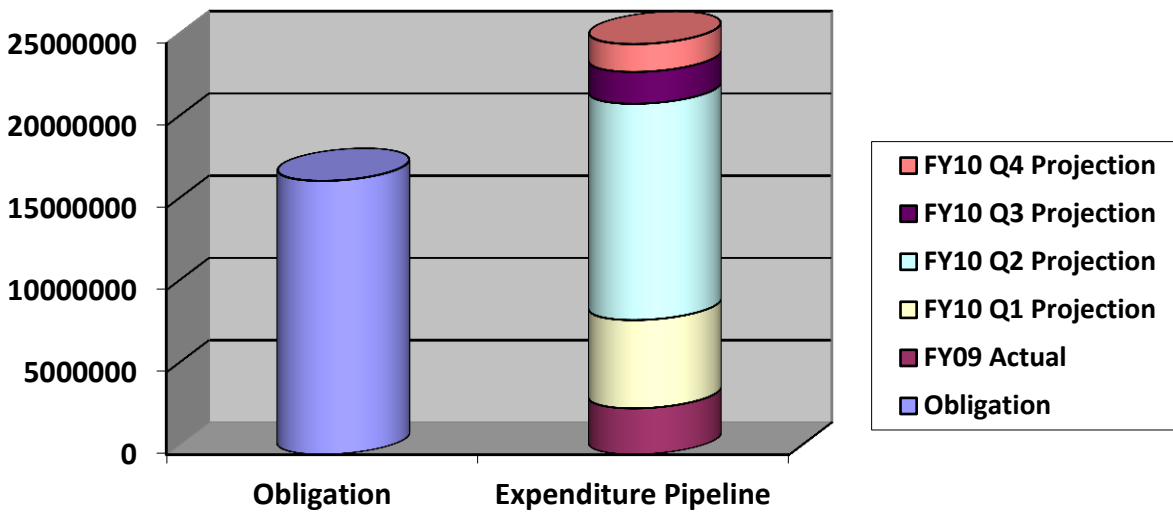


Table 2: Budget Details

Obligation	FY 2009 Actual Expenditures	1st Quarter FY2010 Projected Expenditures	2nd Quarter FY 2010 Projected Expenditures	3rd Quarter FY 2010 Projected Expenditures	4th Quarter FY 2010 Projected Expenditures
\$16,636,000.00					
Salary and Consultants (Technical Assistance)	\$ 1,035,147.78	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00
International Staff Benefits and Allowances	\$ 261,278.92	\$ 26,268.60	\$ 26,268.60	\$ 26,268.60	\$ 26,268.60
Contract Services	\$ 31,927.92	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
Travel	\$ 310,823.28	\$ 40,592.55	\$ 40,592.55	\$ 40,592.55	\$ 40,592.55
Furniture & Equipment	\$ 335,828.68	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 75,000.00
Electoral Commodities	\$ 29,985.43	\$ 4,500,000.00	\$ 6,000,000.00	\$ 4,200,000.00	\$ 4,096,000.00
Office Expenses	\$ 378,674.02	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Electoral Training	\$ 3,845.87	\$ 160,000.00	\$ 140,000.00	\$ 160,000.00	\$ 80,000.00
Other Direct Costs	\$ 10,756.28	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Sub-Total ODC	\$ 1,363,120.40	\$ 4,866,861.15	\$ 6,346,861.15	\$ 4,566,861.15	\$ 4,357,861.15
Fringe Benefits	64448.66	10322	\$ 10,322.00	\$ 10,322.00	\$ 10,322.00
Commodities Indirect Expenses	1229.4	\$ 184,500.000	\$ 246,000.000	\$ 172,200.000	\$ 167,936.000
Material Burden Rate	394537.85	\$ 106,478.80	\$ 100,832.80	\$ 106,478.80	\$ 76,837.30
Total Non-Labor	\$ 1,823,336.31	\$ 5,168,161.95	\$ 6,704,015.95	\$ 4,855,861.95	\$ 4,612,956.45
Total Labor and Non-Labor	\$ 2,858,484.09	\$ 5,368,161.95	\$ 6,904,015.95	\$ 5,055,861.95	\$ 4,812,956.45

Budget Notes

Salary and Consultants	IFES proposes to add an additional electoral training specialist and an additional election administration expert to provide tailored technical assistance in preparation for the national elections and 2011 Referendum.
International Staff Benefits and Allowances	This line item includes field team allowances as well as danger pay and post differential (if applicable) to consultants. IFES expects a slight increase in this line item in the next months since it is looking to add the abovementioned election training specialist and election training expert to account for post differential and danger pay that will be provided to the individuals.
Contract Services	This line item consists of services provided to the IFES field office by local firms, for example, the security firm and local lawyer.
Travel	Travel expenses have been consistent, and are projected to increase with the addition of the electoral training specialist and election administration expert proposed in the budget reprogram.
Furniture and Equipment	As proposed in the IFES reprogrammed budget, the IFES Juba field office will be equipped to support and expanded team in anticipation of the 2011 South Sudan Referendum.
Electoral Commodities	IFES has compiled an exhaustive list of electoral commodities. IFES continues to coordinate with the UN and the NEC to avoid duplication of resources. IFES will work with USAID to reprogram any unused resources in this line item and apply them to future stages in the electoral calendar.
Office Expenses	These expenses are consistent and recurring in conjunction with the running of the field offices.
Electoral training	IFES proposes in its reprogram budget a training component to address specific areas of the electoral process that will need further strengthening.
Other Direct Costs	These are costs consistent with the budget, covering miscellaneous costs, such as currency gain/loss, VAT, subscriptions, etc.
Fringe Benefits	Calculated as per Award conditions.
Commodities Indirect Expenses	Calculated as per Award conditions.
Material Burden Rate	Calculated as per Award conditions.

ANNEX 1: SCHEDULE OF FUTURE EVENTS

Date	Location	Activity
14-17 January, 2009	Upper Nile State, Malakal County	"Selecting, Hiring, Supervising Polling Staff"

ATTACHMENTS

Attachment 1 – Election Planning Data – Seats Allocation

Attachment 2A – 2010 Sudan Election – IFES Projections for VR Presented to NEC

Attachment 2B – 2010 Sudan Election – VR Projections by State

Attachment 3 – Sudan Polling Plan Projection - Summary table